

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**and**

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 8856 of 2004**

Between:

M/s. ESL Industries Limited, rep., by its Director,  
P. Ekambara Rao, S/o P. Rama Murthy, P.B.No.10,  
Hemanagar, Uppal, P.O., Hyderabad.

**..... PETITIONER**

AND

- 1 The Presiding Officer, Debts Recovery Tribunal,  
5th Floor, Triveni Complex, Abids, Hyderabad.
- 2 The Recovery Officer, The Debts Recovery Tribunal,  
5th Floor, Triveni Complex, Abids, Hyderabad.
- 3 State Bank of India, rep., by its Deputy General Manager,  
Industrial Finance Branch, Somajiguda, Hyderabad.
- 4 Punjab National Bank, rep., by its Chief Manager,  
R.P.Road Branch, Secunderabad.
- 5 M/s. Merkel Hi Tech Systems Pvt. Limited, rep., by its  
Managing Director, Hemanagar, Uppal, P.O., Hyderabad-39.
- 6 Sri Sitarama Rao, s/o Purna Chandra Rao,  
r/o 11-10-114/A, R.No.1, Vijayapuri Colony,  
Hyderabad-35.
- 7 Narayanaswamy Venkatanarayanan, s/o Narayana swamy,  
r/o Hyderabad.
- 8 Geeta Narayanan, w/o Narayanaswamy,

Venkata Narayanan, r/o Hyderabad.  
9 The Sub Registrar, S.R.O.Uppal,  
Uppal, R.R.District.

(RR 5, 7 and 8 are not necessary in this W.P).

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ order or direction more particularly one in the nature of Certiorari to call for records relating to and in connection with the order dated 30-4-2004 in R.A.No. 5 of 2004 in M.P.No. 8 of 2004 in R.P.No. 244 of 2003 in O.A.No. 725 of 2001 issued by the first respondent and quash the same is erroneous, illegal, arbitrary, violating the principles of natural justice and vitiated for non compliance of statutory provisions.

**For the Petitioner: Smt. CH. VEDAVANI , Advocate.**

**For Respondent No. 1:**

**For Respondent No. 2: P.A.V. Bala Prasad, Advocate.**

**For Respondent Nos. 3 and 4: Mr. Amabdipudi Satyanarayana, Advocate.**

**For Respondent No. 5:**

**For Respondent No. 6: Mr. L.J. Veera Reddy, Advocate.**

**For Respondent Nos. 7 and 8: Mr. T. Rajendra Prasad, Advocate.**

**For Respondent No. 9: None.**

**The Court made the following Order:** (per Sri B. Sudershan Reddy, J)

The impugned order, in our considered opinion, passed by the Debts Recovery Tribunal dated 30.04.2004 does not suffer from any legal infirmities or errors

apparent on the face of the record. The Tribunal having adverted to the order passed by the Recovery Officer found that the reserve price has been properly fixed by the Recovery Officer. That apart, the Tribunal also found that the objections raised by the petitioner herein in M.P No. 8 of 2004 were not in the nature of any claim but a prayer to stay or defer the auction mainly on the ground that the application filed by the petitioner herein to set aside the ex parte order passed by the Tribunal was under consideration before it. Of course, the petitioner also raised objection with regard to the fixation of reserve price. It is brought to our notice that the application filed by the petitioner herein to set aside the ex parte decree itself was rejected though, according to the learned counsel for the petitioner, on some technical ground. But the fact remains that the application has been rejected and the same has not been challenged by the petitioner.

Be it as it may, we shall also notice the conduct of the petitioner in this matter. This Court while admitting the writ petition granted stay of further proceedings subject to the condition of the petitioner depositing certain amounts which the petitioner could not comply with. Thereafter, the petitioner came forward with another application seeking intervention of this Court to deposit the amounts lesser than that was directed to be deposited by this Court on the earlier occasion. This Court had shown some indulgence but even that amount was not deposited.

The analysis of the facts reveal that the decree passed by the Tribunal has become final. No tenable objections as such have been raised by the petitioner except contending that the reserve price has not been properly fixed. Both the Recovery Officer and as well as the Tribunal concurrently found that fixation of the reserve price does not suffer from any legal infirmities. We are not impressed by any of the submissions made by the learned counsel for the petitioner. Obviously, the attempt on the part of the petitioner is to postpone the proceedings. The petitioner, in our considered opinion, indulged in speculative litigation. We find no merit in this writ petition and the same shall accordingly stand dismissed. No costs.

This order, however, shall have no bearing if the petitioner had already preferred any appeal against the ex parte order before the appellate Tribunal in which event the matter shall be disposed of on its own merits.

(B. Sudershan Reddy, J)

13..08..2004

(K.C. Bhanu, J)

ks

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

- 1 The Presiding Officer, Debts Recovery Tribunal,  
5th Floor, Triveni Complex, Abids, Hyderabad (with records).
- 2 The Recovery Officer, The Debts Recovery Tribunal,  
5th Floor, Triveni Complex, Abids, Hyderabad.
- 3 Deputy General Manager, State Bank of India,  
Industrial Finance Branch, Somajiguda, Hyderabad.
- 4 Chief Manager, Punjab National Bank,  
R.P.Road Branch, Secunderabad.
- 5 The Sub Registrar, S.R.O.Uppal,  
Uppal, R.R.District.

6 2 CD copies.

